

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GIOVANNI SORIA,

Plaintiff,

vs

9:04-CV-727

ROY A. GIRDICH, Superintendent; DEPUTY
LaCLAIR; CAPTAIN BEZIO; C.O. FULTON;
and C.O. TAYLOR,

Defendants.

APPEARANCES:

OF COUNSEL:

GIOVANNI SORIA
Plaintiff, Pro Se
0D-A-4508
UpState Correctional Facility
PO Box 2001
Malone, New York 12953

HON. ANDRE M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, NY 12224

MARIA MORAN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Giovanni Soria, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. By Report-Recommendation dated December 6, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that defendants' motion for summary judgment be granted and the amended complaint be dismissed in its entirety. The plaintiff has filed a request "to withdraw my petition, action and/or suit . . . I no longer wish to

continue with the said proceedings . . . I am doing this freely and of my own volition.” Signed Giovanni Soria (Docket No. 30).

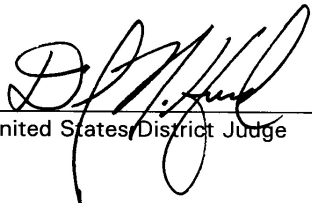
Accordingly, it is

ORDERED that

1. The action is DISCONTINUED:
2. The amended complaint is DISMISSED with prejudice in all respects; and
2. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: January 23, 2008.
Utica, New York.



United States District Judge